UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/358
29 March 1994

ORIGINAL: ENGLISH

LETTER DATED 29 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions, I have the honour to request you to circulate the letter dated 24 March 1994 addressed to you from His Excellency Mr. Kim Yong Nam, Minister for Foreign Affairs of the Democratic People's Republic of Korea as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Annex

Letter dated 24 March 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I present my compliments to you and have the honour to enclose herewith a letter dated 24 March 1994 from His Excellency Mr. Kim Yong Nam, Minister for Foreign Affairs of the Democratic People's Republic of Korea.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Appendix

Letter dated 24 March 1994 from the Minister for Foreign Affairs of the Democratic People's Republic of Korea to the Secretary-General

It is with a feeling of satisfaction that I am recalling the meaningful meetings and constructive exchange of views we held during your visit to the Democratic People's Republic of Korea late last year, which have helped to promote friendship between us and, in particular, to deepen further your interest in and understanding of the Korean question and the current situation on the Korean peninsula.

Therefore, I deem it my duty to remind you once again that, in connection with moves now under way to resume discussion of the so-called "nuclear issue" of the Democratic People's Republic of Korea in the Security Council under the manipulation of the United States of America, this is an issue to be negotiated and resolved bilaterally by the Democratic People's Republic of Korea and the United States and any discussion thereof by the Security Council will only further complicate the matter.

The nuclear issue on the Korean peninsula is the product of the United States policy of antagonizing and strangling the Democratic People's Republic of Korea and it is, therefore, the politico-military issue to be resolved first between the Democratic People's Republic of Korea and the United States.

I believe that you, too, are well aware of the Democratic People's Republic of Korea's position that the nuclear issue on the Korean peninsula must be settled through the Democratic People's Republic of Korea-United States negotiations and also of the patient efforts the Democratic People's Republic of Korea has made to achieve a radical resolution of the issue on the basis of the principle of impartiality.

In particular, since the Democratic People's Republic of Korea has accepted sufficient inspection by the International Atomic Energy Agency (IAEA) for maintaining the continuity of safeguards in accordance with the recent Democratic People's Republic of Korea-United States agreement and fulfilled its obligations in good faith, nothing whatsoever can justify discussion of the Democratic People's Republic of Korea's "nuclear issue" by the Security Council.

The United States has intentionally imposed unreasonable preconditions on holding a third round of the Democratic People's Republic of Korea-United States talks and committed the perfidy of reneging on the Democratic People's Republic of Korea-United States agreement just after the completion of the inspection in the Democratic People's Republic of Korea.

As for the truth of the situation, I wish to invite you to refer to the enclosed documents, including the statement of the spokesman of the Democratic People's Republic of Korea's Ministry of Foreign Affairs. 1/

In the light of the political nature of the nuclear issue on the Korean peninsula as well as the root cause of its origination and in view of the real

state of current developments, it is unreasonable in all respects for the Security Council to hold discussions or adopt any unjustified resolution on the Democratic People's Republic of Korea's "nuclear issue", under the coercion of the United States.

Moreover, it should be noted that, since the United Nations is a belligerent party vis-à-vis the Democratic People's Republic of Korea under the Korean Armistice Agreement, submission of the Democratic People's Republic of Korea issue to the Security Council by the hostile States that have fought the Democratic People's Republic of Korea in the name of the United Nations constitutes, by itself, an act of violating the principles of international justice and impartiality that are enshrined in the Charter of the United Nations.

The Democratic People's Republic of Korea's decision in March 1993 to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons was a self-defensive measure aimed at safeguarding the supreme interests of our State against the nuclear threat posed by the United States, and it was a legitimate action stipulated in the Treaty.

Therefore, if the Security Council sincerely wants a resolution of the nuclear issue on the Korean peninsula, it should have discussed, earlier at that time, the matter of removing the United States nuclear threat against the Democratic People's Republic of Korea.

At present, the United States is attempting to bring pressure to bear upon the Democratic People's Republic of Korea by clothing its ill-intended intrigue with the words "the view of the international community", taking advantage of the Security Council, but such pressure will never help to resolve any matters.

If the Security Council discusses, despite our objection, the Democratic People's Republic of Korea nuclear issue in accordance with the intention of the United States and adopts any resolution, it will only create complexity and difficulties rather than help to resolve the issue and furthermore, will block its unbiased resolution.

What position and attitude the Security Council will take with respect to our "nuclear issue" is a serious matter related to the authority of the Security Council.

If the States members of the Security Council move under the manipulation of the United States, the only super-Power, it will turn out, after all, that the Security Council is used politically for the policy of the United States to strangle the Democratic People's Republic of Korea, the Security Council will prove to have turned into the tool of executing the strong-arm policy of the United States and there will come the danger that the unsavoury history of the 1950s might repeat itself again on the Korean peninsula.

If the Security Council discusses the Democratic People's Republic of Korea "issue" on the basis of the unjust IAEA resolution and adopts any prejudiced resolution this time, it will only help to defend and encourage the partiality

of the IAEA secretariat and, accordingly, we will be compelled to take countermeasures in response to that.

As IAEA's partiality is widening, it is too self-evident that the Democratic People's Republic of Korea will neither be able to keep its peaceful nuclear activities frozen indefinitely nor will it be able to provide cooperation for the IAEA's safeguards activities on the appropriate level.

I would like to hope that, as Secretary-General, you will pay due attention to preventing the international nuclear non-proliferation regime from being turned into a tool serving the super-Power's strong-arm policy and also to helping to bring about a fair resolution of the Democratic People's Republic of Korea's "nuclear issue" on the basis of the principle of international justice and democracy, the life and soul of the United Nations.

It is also to be hoped that the Security Council will neither undermine the Member States' expectations of the United Nations nor disappoint them at a time when the United Nations is seeking momentous changes on the eve of the fiftieth anniversary of its establishment.

Notes

1/ For the texts of the enclosures, see S/1994/204, S/1994/319, S/1994/327 and S/1994/344.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/359
31 March 1994
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia and reaffirming in this context its resolution 871 (1993) on the mandate of the United Nations Protection Force (UNPROFOR),

Having considered the reports of the Secretary-General of 11 March 1994 (S/1994/291), 16 March 1994 (S/1994/300) and 24 March 1994 (S/1994/333 and Add.1), and his letter of 30 March 1994 (S/1994/367),

Having also considered the letter of the President of the Republic of Croatia dated 16 March 1994 (S/1994/305),

Emphasizing the need for a negotiated settlement accepted by all parties, and welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the cease-fire agreement between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party, and the signature of the Washington framework agreements between the Government of the Republic of Bosnia and Herzegovina and the Government of the Republic of Croatia and the Bosnian Croat party, as steps towards an overall settlement,

Underlining the importance of involving the Bosnian Serb party in further efforts to achieve an overall negotiated settlement,

Welcoming the cease-fire agreement signed on 29 March 1994 between the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas (UNPAs), which was facilitated by the Russian Federation, the United States of America, the European Union and the International Conference on the Former Yugoslavia,

Welcoming also the discussions between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to the joint statement of 19 January 1994,

Welcoming further the recent significant progress achieved in and around Sarajevo and stressing that a strong and visible presence of UNPROFOR in this area, as well as in other areas of the Republic of Bosnia and Herzegovina and the Republic of Croatia, within the framework of its mandate, is essential to consolidate such progress,

Recalling the statement by the President of the Security Council of 14 March 1994 (S/PRST/1994/11) and the joint letter of Bosnia and Herzegovina and Croatia dated 17 March 1994 (S/1994/308) and, in this context, taking note of the recent developments in Maglaj,

Determined to put an end to the suffering of the civilian population in and around Maglaj,

Welcoming the ongoing efforts aimed at the reopening of Tuzla airport for humanitarian purposes,

Welcoming also the work undertaken by the joint civil mission to Sarajevo of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Welcoming further the dispatch of the European Union fact-finding mission to Mostar with a view to helping improve living conditions in that city and contributing to the implementation of the agreements between the parties on it,

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

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1. Welcomes the reports of the Secretary-General of 11 March 1994 (S/1994/291), 16 March 1994 (S/1994/300) and 24 March 1994 (S/1994/333), and his letter of 30 March 1994 (S/1994/367);

2. Reaffirms its commitment to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia, the Republic of Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, where UNPROFOR is deployed;

3. Decides to extend UNPROFOR's mandate for an additional period terminating on 30 September 1994;

4. Recognizes the need, following recent progress, for increased resources for UNPROFOR described in the Secretary-General's reports of 11 March 1994 (S/1994/291) and 16 March 1994 (S/1994/300) and his letter of 30 March 1994 (S/1994/367); decides, as an initial step, to authorize an increase of UNPROFOR personnel by up to 3,500 additional troops; further decides to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General in the above-mentioned documents, with a

view to providing UNPROFOR with the means necessary for implementation of its mandate;

5. Approves UNPROFOR's plans described in the Secretary-General's report of 24 March 1994 (S/1994/333), for the reopening of Tuzla airport for humanitarian purposes and authorizes additional resources requested in paragraph 14 of this report for these purposes;

6. Calls upon Member States to assist the Secretary-General to implement paragraphs 4 and 5 above by contributing personnel, equipment and training;

7. Urges that necessary arrangements be concluded, including, where appropriate, agreements on the status of forces and other personnel with the Republic of Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

8. Decides that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures to extend close air support to the territory of the Republic of Croatia, in defence of UNPROFOR personnel in the performance of UNPROFOR's mandate, as recommended by the Secretary-General in paragraph 12 of his report of 16 March 1994 (S/1994/300);

9. Urges the Republic of Croatia and the local Serb authorities in the UNPAs to comply with the cease-fire agreement signed on 29 March 1994 (S/1994/367, annex); and welcomes the efforts undertaken by UNPROFOR towards implementing this agreement;

10. Urges also all the parties and others concerned to cooperate with UNPROFOR in reaching and implementing an agreement on confidence-building measures in all regions of the Republic of Croatia including the UNPAs; further urges the Republic of Croatia and the local Serb authorities in the UNPAs, inter alia, to revive the Joint Commission process with regard to communication links and economic issues; and recognizes, in this context, the importance of the immediate reopening of the Adriatic oil pipeline for the economies of the Republic of Croatia and of the other countries in the region;

11. Endorses the proposals in Part II of the report of the Secretary-General of 11 March 1994 (S/1994/291) on "arrangements relating to the cease-fire and ensuring the freedom of movement in and around Sarajevo", including the additional tasks set out in paragraph 14 thereof, emphasizes the need for UNPROFOR to deploy its resources in a flexible manner, in particular in and around the safe areas, and authorizes UNPROFOR to carry out these tasks in relation to the cease-fire entered into by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party, and, following a report by the Secretary-General and within existing resources, in relation to any further cease-fire agreed between the parties in Bosnia and Herzegovina in pursuit of the peace process;

12. Encourages the Special Representative of the Secretary-General for the Former Yugoslavia, in cooperation with the authorities of the former Yugoslav

Republic of Macedonia, to use his good offices as appropriate to contribute to the maintenance of peace and stability in that Republic;

13. Urges the parties to seize the opportunity provided by UNPROFOR's continuation to bring the peace process to successful conclusion;

14. Requests the Secretary-General to keep it regularly informed on progress towards implementation of the United Nations peace-keeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Government of the Republic of Croatia as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider UNPROFOR's mandate at any time according to the developments on the ground and in the negotiations;

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15. Welcomes the appointment by the Secretary-General of a senior civilian official for the restoration of essential public services in and around Sarajevo in accordance with the provisions of resolution 900 (1994) (S/1994/368);

16. Commends in this context the setting up of the Interim Coordination Board (ICBO) to assess the situation in Sarajevo in order to facilitate the task of this senior official;

17. Welcomes the establishment by the Secretary-General on 21 March 1994 of a voluntary trust fund for the restoration of essential public services in and around Sarajevo, in accordance with the provisions of resolution 900 (1994), and strongly appeals to the international community to make voluntary financial contributions to this trust fund;

18. Notes with appreciation the steps being taken by the Secretary-General, UNPROFOR and other United Nations agencies and humanitarian organizations to restore normal life to all areas of the Republic of Bosnia and Herzegovina, encourages them to continue their efforts; and, in this context, requests the Secretary-General to consider ways and means of further enhancing the work of the civilian component of UNPROFOR;

19. Calls on the parties to honour their commitments to ensure UNHCR and UNPROFOR unimpeded access throughout the Republic of Bosnia and Herzegovina in performance of their mandate, and in particular calls upon the Bosnian Croat party to release infrastructure equipment and material urgently needed for humanitarian relief;

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20. Welcomes the presence of UNPROFOR personnel and arrival of humanitarian convoys in Maglaj, but expresses however once again its deep concern at the situation there;

21. Welcomes also the contribution of UNPROFOR, within its available resources, to the restoration of safety and security to the area in and around Maglaj in order to promote the well-being of its inhabitants;

22. Demands that the Bosnian Serb party cease forthwith all military operations against the town of Maglaj and remove all obstacles to free access to it; condemns all such obstacles; and calls upon all parties to show restraint;

23. Takes note of the assessment by the Secretary-General on the feasibility of extending the safe area concept to Maglaj (S/1994/291), and requests him to keep the situation under review and to report to the Council as appropriate;

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24. Requests the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of UNPROFOR's mandate;

25. Decides to remain actively seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/1994/360
30 March 1994

ORIGINAL: ENGLISH

SECOND PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted in response to Security Council resolution 872 (1993) of 5 October 1993, by which the Council established the United Nations Assistance Mission for Rwanda (UNAMIR) for an initial period of six months.

2. On 30 December 1993, I submitted to the Security Council a progress report on UNAMIR (S/26927). On 6 January 1994, the Council adopted resolution 893 (1994) by which it, inter alia, reaffirmed its approval of the deployment of UNAMIR, as outlined in my report of 24 September 1993 (S/26488), including the early deployment of a second infantry battalion to the demilitarized zone (DMZ). The Council strongly urged the parties to cooperate with UNAMIR in furthering the peace process, to comply fully with the Arusha peace agreement on which the schedule contained in my report of 24 September was based and, in particular, to establish a broad-based transitional Government at the earliest opportunity, in accordance with the agreement. It also welcomed the continued efforts of the Secretary-General and his Special Representative to help to promote and enhance dialogue among all the parties concerned.

3. In a statement by the President of the Security Council on 17 February 1994 (S/PRST/1994/8), the Council called for the prompt installation of the transitional institutions provided for in the Arusha peace agreement and reaffirmed that continued support for UNAMIR would depend upon the full and prompt implementation of that agreement by the parties.

II. POLITICAL ASPECTS

4. Since my last report to the Security Council on 30 December 1993, intensive efforts have been deployed to facilitate and advance the full and effective implementation of the Arusha peace agreement. UNAMIR, within the overall framework of the Security Council's mandate, has continued to assist those efforts.

5. In my report of 30 December, I had pointed out that most of the projected tasks of phase I of the four-phase implementation plan approved by the Security Council in its resolution 872 (1993) had been accomplished. That phase was to last approximately 90 days, until the installation of the broad-based transitional Government.

6. Despite the fact that the Rwandese Government and the Rwandese Patriotic Front (RPF) had agreed at Kinihira on 10 December 1993 to set up the broad-based transitional Government and the Transitional National Assembly before 31 December, this did not take place as a result of the inability of the parties concerned to agree on the relevant modalities, including the lists of members of the broad-based transitional Government and the Transitional National Assembly.

7. In accordance with the Arusha peace agreement, which provided that the incumbent head of State would remain in office until the outcome of elections to be held at the end of the transitional period, Major-General Juvénal Habyarimana was sworn in as President of the Republic on 5 January 1994. Expectations that the broad-based transitional Government and the Transitional National Assembly would also be installed on that same day could not be met because of continuing difficulties, especially within the Parti libéral (Liberal Party) and the Mouvement démocratique républicain (Democratic Republican Movement), regarding the lists of their representatives to serve as ministers in the broad-based transitional Government and as deputies in the Transitional National Assembly.

8. As a result of the failure to install the broad-based transitional Government, the completion of phase I of the implementation plan approved by the Security Council has been continuously delayed. My Special Representative, Mr. Jacques-Roger Booh Booh, has expressed his concern over this delay to the various political leaders. In its resolution 893 (1994) of 6 January 1994, the Security Council called for the establishment of the broad-based transitional Government "at the earliest opportunity". Following the adoption of the resolution, I spoke with President Habyarimana on a number of occasions by telephone and also wrote to him on 27 January to convey the strong expectations of the international community, as well as my own, that the broad-based transitional Government should be promptly established. My Special Representative, during his numerous meetings with President Habyarimana and other Rwandese political leaders, has continued to urge them to expedite action for the establishment of the broad-based transitional Government.

9. The prolonged delay in putting the transitional institutions in place has not only prevented UNAMIR from carrying out its tasks in accordance with the implementation schedule approved by the Security Council, but has also contributed to a deterioration of the security situation in the country and posed a threat to the peace process. The failure to establish the broad-based transitional Government constitutes a serious impediment to the implementation of the Arusha peace agreement and to the smooth functioning of State institutions.

10. While various Rwandese political leaders have also recognized the urgent need to establish the broad-based transitional Government and the Transitional National Assembly in order to ensure the smooth and orderly functioning of the country, they nevertheless remain deadlocked on the modalities for putting those

institutions in place. My Special Representative and I have stressed to the Rwandese political leaders that, without the early establishment of the broad-based transitional Government and the Transitional National Assembly, it would be difficult to affirm that sufficient progress has been made in the implementation of the Arusha peace agreement to warrant the continued support of the international community.

11. The Governments of Member States, both within and outside the region, as well as the representatives of the Facilitator, the Secretary-General of the Organization of African Unity (OAU) and the observer States to the peace process, have supported the efforts by the United Nations to promote agreement among the parties on the setting up of the transitional institutions. Largely because of those efforts, progress has been made in bridging the gap in the positions of the various parties and moving them closer to a compromise in order to facilitate the establishment of the broad-based transitional Government.

12. Following a series of all-party consultations that my Special Representative organized at UNAMIR headquarters in Kigali on 7, 10 and 13 February, broad consensus was reached among the various political leaders to set up the transitional institutions on 14 February, while giving the Liberal Party more time to resolve its internal problems and to join those institutions later and leaving the courts to decide on the factional rift within the Democratic Republican Movement. However, reservations to the consensus were expressed by the Mouvement républicain national pour le développement et la démocratie (Republican National Movement for Development and Democracy) and by other elements close to the President, who argued that all outstanding problems should first be resolved before proceeding to set up the broad-based transitional Government and the Transitional National Assembly, so that all political parties concerned could participate in those institutions from the outset. Nevertheless, the key element in that consensus, which provides for the installation of the broad-based transitional Government and the Transitional National Assembly even if some political parties are not in a position to participate immediately, has continued to feature in the discussions among the Rwandese political leaders.

13. An agreement reached at meetings of the political parties on 16 and 18 February to establish the transitional institutions on 22 February was set back as a result of the sudden outbreak of violence in Kigali and in other regions of the country beginning on 21 February. This resurgence of violence, in the course of which two prominent political leaders, Mr. Félicien Gatabazi, the Minister of Public Works and Energy who was also the Secretary-General of the Parti social démocrate (Social Democrat Party), and Mr. Martin Buchyana, the President of the Coalition pour la défense de la république (Coalition for the Defence of the Republic), were murdered, an RPF soldier killed and a UNAMIR military observer wounded in an ambush, contributed to heightening tension and worsening the overall political climate. On 23 February, another effort to install the transitional institutions also failed when the ceremony organized for that purpose by President Habyarimana was boycotted by most political parties, including RPF, which in a press release issued on the same day accused the President of trying to impose a unilateral solution to the internal problems within the Liberal Party and the Democratic Republican Movement.

14. In the face of the deteriorating political and security situation, I telephoned President Habyarimana on 24 February and stressed the need for urgent action to break the political stalemate and to proceed with the establishment of the transitional institutions. I strongly reaffirmed this position when I received the President's Special Envoy on 1 March in New York.

15. Following meetings held on 25 and 27 February at the initiative of the President, the five political parties represented in the current coalition Government indicated in a communiqué dated 27 February that agreement had been reached on a formula to resolve the internal problems within the Democratic Republican Movement but that a consensus had still not been reached on the rift within the Liberal Party owing to the reservations expressed by one of the leaders of that party. Following the announcement of the RPF's rejection of the proposed compromise in a communiqué dated 28 February, my Special Representative met on 1 March with the President of RPF, Colonel Alexis Kanyarengwe, at the RPF headquarters in Mulindi, in a continuing search for a solution to the deadlock. He urged all parties concerned to continue the dialogue and to refrain from any actions that could aggravate the situation.

16. On 7 March, President Habyarimana paid a one-day official working visit to Uganda. President Museveni reaffirmed his commitment to assist the peace process and expressed the hope that the deadlock that had delayed the installation of the broad-based transitional Government would soon be overcome. The two Presidents expressed appreciation to the United Nations for its efforts to facilitate the implementation of the Arusha peace agreement and called on the international community to assist in this regard.

17. During visits to the United Republic of Tanzania by an RPF delegation and by President Habyarimana on 4 and 8 March respectively, the two signatories to the Arusha peace agreement sought the intervention of President Mwinyi of the United Republic of Tanzania, the Facilitator of the Rwandese peace process, to try to break the impasse in the implementation of the agreement. The Foreign Minister of the United Republic of Tanzania, Mr. Joseph C. Rwegasira, visited Rwanda from 11 to 18 March to assist the parties in resolving the outstanding issues that are impeding the establishment of the transitional institutions. He held intensive bilateral consultations with various Rwandese political and religious leaders as well as with members of the diplomatic corps, the representative in Rwanda of the Secretary-General of OAU and my Special Representative.

18. At the conclusion of his visit, the Foreign Minister of the United Republic of Tanzania stated that his consultations in Kigali had led him to conclude that the stumbling block to putting the transitional institutions in place revolved around the internal problems within the Liberal Party. He stressed that the delay in the political transition caused by the apparent power struggle within the Liberal Party was unacceptable, as it had no legal basis within the framework of the Arusha peace agreement. The proposed composition of the broad-based transitional Government, he emphasized, was within the prerogative of the Prime Minister Designate, Mr. Faustin Twagiramungu, as long as he respected the lists of ministers proposed to him during consultations with each of the political forces concerned. The Tanzanian Minister also considered as unacceptable the rejection by RPF of the compromise reached within the Liberal

Party on a formula for sharing the Party's assigned seats in the transitional Parliament.

19. The Prime Minister Designate, in a nationwide radio address on 18 March, announced the proposed composition of the broad-based transitional Government. The following day, the Prime Minister of the current coalition Government, Ms. Agathe Uwilingiyimana, announced the names of deputies for the Transitional National Assembly.

20. According to a communiqué issued on 21 March 1994, President Habyarimana met earlier that day with the Prime Minister Designate and informed him that he had received a letter dated 20 March, from one of the two factions of the Liberal Party, protesting against the Prime Minister Designate's choice of candidate for Minister of Justice, a portfolio assigned to the Liberal Party under the Arusha peace agreement. The President requested the Prime Minister Designate to continue consultations with the Liberal Party with a view to reaching an agreement which, according to the President, should be based on the compromise formula reached on 27 February by which the three ministerial positions assigned to the Liberal Party should be divided in a two to one ratio between the Party's two factions, with the faction receiving one ministerial portfolio nominating candidates for the Speaker or Deputy Speaker of the Transitional National Assembly.

21. According to the same communiqué, President Habyarimana believed that the list of deputies for the Transitional National Assembly, which he had received on 20 March from the Prime Minister of the current coalition Government, contained a number of anomalies impeding the installation of the Transitional National Assembly. The communiqué again called on the Prime Minister to ensure that the obstacles to the entry of the Coalition for the Defence of the Republic in the transitional Parliament were removed; ensure the representation of the "Parti démocrate Islamique" (Islamic Democrat Party) in the Transitional National Assembly; and take into account the recent rulings on cases brought before the courts by some Democratic Republican Movement party members seeking to become members of the Transitional National Assembly. The communiqué concluded that the President would be prepared to preside over the ceremonies for the installation of the transitional institutions once the above-mentioned concerns had been addressed.

22. Ceremonies for the installation of the transitional institutions that were scheduled to take place on 25 March 1994 were cancelled as there were still a number of outstanding issues to be resolved.

III. MILITARY ASPECTS

23. Despite the increased tensions and insecurity engendered by the political impasse described above, the cease-fire generally appeared to hold during the period under review. UNAMIR forces, whose operational capacity was enhanced with the deployment of additional personnel and equipment, continued to play a stabilizing role.

24. With the arrival in Kigali on 28 December 1993 of a UNAMIR-escorted 600-man RPF security battalion, the military tasks projected for phase I of the operational plan were effectively concluded, ahead of schedule. It will be recalled that this phase, which commenced with the adoption of Security Council resolution 872 (1993), was to last 90 days and to be completed with the installation of the broad-based transitional Government by 5 January 1994. The persistent stalemate on the establishment of the broad-based transitional Government has delayed the start of phase II operations, which were also scheduled to last 90 days and to comprise preparations for the disengagement, demobilization and integration of the armed forces of the parties and of the gendarmerie. UNAMIR forces earmarked for phase II operations are nevertheless in place and ready to begin operations on short notice, as soon as the broad-based transitional Government is formed. In addition, preparations for phase III, which would involve the actual disengagement, demobilization and integration process, are well advanced.

25. It will also be recalled, as stated in my report of 24 September 1993, that the projected strength of UNAMIR military personnel was to stand at 1,428 by the end of phase I and to reach a peak, at the end of phase II, with a total of 2,548 all ranks. As of 22 March 1994, UNAMIR had a strength of 2,539 military personnel, from the following 24 nations: Austria (15), Bangladesh (942), Belgium (440), Botswana (9), Brazil (13), Canada (2), Congo (26), Egypt (10), Fiji (1), Ghana (843), Hungary (4), Malawi (5), Mali (10), Netherlands (9), Nigeria (15), Poland (5), Romania (5), Russian Federation (15), Senegal (35), Slovakia (5), Togo (15), Tunisia (61), Uruguay (25) and Zimbabwe (29). These figures include the 81 military observers serving with the United Nations Observer Mission Uganda-Rwanda (UNOMUR).

26. Under the implementation plan approved by the Security Council on 5 October 1993, UNAMIR operations were to be divided into five sectors. However, in view of the situation that developed in the south of the country following the attempted coup d'état of 21 October 1993 in neighbouring Burundi, a sixth sector was established in February 1994 to cover the requirements identified in my report of 30 December 1993. During the period under review, major developments in the six sectors have included the following:

(a) The Force headquarters, responsible in particular for the command and control of the operations of the UNAMIR military component, has become fully operational with the recent arrival of vehicles, communications and other equipment. It is also increasingly active in conducting and coordinating security operations, coordinating joint meetings with Government and RPF military officials on various issues and undertaking reconnaissance and planning for the disengagement and demobilization process;

(b) The Military Observer Group headquarters has also become fully operational. It exercises command and control over the three established observer sectors, namely the Rwandese government forces sector, the RPF sector and the southern sector. The Military Observer Group continues to conduct reconnaissance, as well as investigatory and escort operations;

(c) The Kigali sector headquarters has reached its full operational strength with the arrival of the remainder of the Bangladesh battalion and

military observers. The main activities of the sector have included providing security for the RPF battalion and civilian officials encamped in the "CND building" in Kigali, providing security for senior government and opposition leaders and ensuring respect for the Kigali weapons secure area. To deal with the worsened security situation in Kigali, 200 military personnel from the Ghanaian battalion in the DMZ were temporarily redeployed recently to assist the Kigali sector, which has become increasingly involved in monitoring the gendarmerie and assisting it in the maintenance of security in the capital;

(d) The DMZ sector became fully operational in late February 1994 with the establishment of the sector headquarters in Byumba and the deployment of the Ghanaian battalion and the Bangladesh engineer company. The presence of some 1,000 UNAMIR military personnel in the area has permitted greater security and monitoring of the DMZ which, in turn, has encouraged growing numbers of formerly displaced persons to return to their homes in the DMZ area. Major activities of the sector have included patrolling, observation, investigation, demolition and disposal of ammunition and escorting humanitarian operations in the area. A number of minor cease-fire violations have occurred. The violations were investigated and, where required, discussions have taken place to resolve them;

(e) The Rwandese government forces and RPF sectors are fully operational in Ruhengeri and Mulindi, respectively. The main activities of the two sectors have covered reconnaissance of assembly points in preparation for phase III operations, confirming the positions of the Rwandese government forces and RPF forces, monitoring the activities of both sides, monitoring the spontaneous return of refugees and investigating reported incidents. In addition, these sectors constitute an essential contact point with the armed forces of the parties;

(f) The southern sector headquarters was established in February 1994 in Butane as an additional sector from existing resources of military observers and equipment. However, additional transport, communications and other equipment will be needed to meet the operational requirements of this sector. It covers a sensitive and increasingly tense area, resulting from the influx of refugees from neighbouring Burundi, cross-border activities, heightened ethnic tensions, increasing reports of paramilitary training and arms distributions, famine and the continuing volatility of the overall political situation in Burundi and Rwanda itself. The sector is, in particular, frequently called upon to assist humanitarian operations by providing escorts for delivery convoys and security for storage depots and distribution points.

27. Owing in part to the continuing political stalemate, the period under review has seen a rapid and dramatic deterioration in the security situation in Kigali. January and February saw increasingly violent demonstrations, roadblocks, assassination of political leaders and assaults on and murders of civilians, developments that severely overstretched the resources and capabilities of the national gendarmerie. Following an upsurge in violent incidents in late February, culminating in the assassination of two prominent political leaders and the ambush of a UNAMIR-escorted RPF convoy, the Government imposed a curfew in Kigali and in other cities. Furthermore, UNAMIR and the United Nations community in Kigali moved into phase II security status for a period of about three weeks. The United Nations community has since returned to

the phase I security status, as the security situation has begun to stabilize, especially following the increased support provided to the gendarmerie by UNAMIR military and civilian police components.

28. Meanwhile, UNAMIR has stressed to all the parties that there should be no importation of ammunition into Rwanda before the installation of the broad-based transitional Government. My Special Representative has also expressed his serious concern about increasing reports regarding the distribution of weapons to civilians, which constitutes a serious threat not only to public security in Kigali and elsewhere in Rwanda but also to UNAMIR personnel.

29. The Rwandese government forces have continued, despite repeated protests by UNAMIR, to mine the major route from Kigali to Mulindi and the Ugandan border. Because of the threat that this posed to UNAMIR personnel and to humanitarian convoys, this issue became the topic of discussions at the highest levels between UNAMIR and the Government and resulted in the removal of the mines and the clearance of the route. On several other occasions, the Rwandese government forces have alleged that RPF was using UNAMIR-escorted convoys to smuggle armed personnel and weapons into Kigali. To help to remove such concerns and suspicions, a strict inspection procedure has been initiated to the satisfaction of the two parties.

30. During this reporting period, the deployment of the engineer, logistics and medical units was completed. The engineers are conducting valuable reconnaissance in preparation for the disengagement and demobilization process planned for phase III. The medical unit is functioning and providing basic as well as emergency medical assistance to UNAMIR personnel. Despite continuing shortages, the overall logistics situation has improved with the arrival of vehicles, communications and other equipment from the United Nations Transitional Authority in Cambodia and ONUMOZ. In addition, with the recent arrival of helicopters, UNAMIR will be able to enhance its reconnaissance operations and air mobility in the Mission area.

31. The composition of UNAMIR personnel from diverse nationalities has underscored the need for local interpreters and translators mentioned in my last report. The ability of UNAMIR personnel to communicate with the local population could make a difference between life and death, especially in emergency situations.

32. Planning for the demining programme is well advanced. The continued cooperation of both the Rwandese government forces and the RPF is essential, if this programme is to succeed. A mine clearance coordination centre has been established in the Force headquarters and a data bank has been started. Samples of mines used by both parties are expected shortly, so that testing and training can be conducted. Coordination in mine-clearance matters has been established between UNAMIR, the two parties and the various interested humanitarian agencies.

IV. CIVILIAN POLICE

33. With the arrival of the Police Commissioner, Colonel Manfred Bliem (Austria), on 26 December 1993 and of the police units from Austria, Bangladesh, Belgium, Mali, Senegal and Togo in January and February 1994, the UNAMIR civilian police contingent (CIVPOL) has set up its headquarters in Kigali and reached its current authorized strength of 60 civilian police monitors. CIVPOL headquarters in Kigali includes a special investigation team, a liaison section and six police monitoring teams.

34. In carrying out its mandate, which is to assist in maintaining public security through the monitoring and verification of the activities of the gendarmerie and the communal police, CIVPOL works closely with the Gendarmerie Nationale and the Police Communale (commune police) in Kigali. Its Special Investigation Team, which cooperates closely with the Government Prosecutor and maintains contact with local human rights groups, follows cases involving ethnic or politically motivated crimes, as well as complaints against the gendarmerie itself. Since CIVPOL became operational in January, the Special Investigation Team has dealt with 54 serious crimes, complaints and allegations of human rights violations.

35. During the same period, CIVPOL has received reports of 36 people killed as a result of demonstrations or riots. The Liaison Section monitors the activities of special units of the gendarmerie such as the mobile intervention groups, the airport, road and VIP sections and the training school. The six police monitoring teams are deployed with the gendarmerie's four territorial brigades and the headquarters group as well as to the commune police in Kigali. In response to the recent deterioration in the security situation, which has seriously strained the gendarmerie's limited personnel and logistics resources, CIVPOL has been assisting in patrolling, including night patrols, and in setting up new gendarmerie bases.

36. Since my report of 24 September 1993, as already mentioned above, the security situation in Rwanda and, especially in Kigali, has seriously deteriorated. While most incidents can be attributed to armed banditry, which has been growing as a result of the ready availability of weapons, ethnic and politically motivated crimes, including assassinations and murders, also have increased.

37. These disturbing incidents, unless contained or stopped, could lead to an environment of widespread and heightened insecurity that could hinder seriously the full and effective implementation of the Arusha peace agreement. The situation is particularly worrisome because the national gendarmerie, which is responsible for maintaining law and order, is severely handicapped in terms of personnel, equipment and training. Close monitoring by CIVPOL, within the framework of its mandate, of the activities of the national gendarmerie and commune police, to ensure that they are acting in compliance with the terms of the Arusha peace agreement, is therefore a critical need. It is also necessary to give more visibility to the United Nations civilian police monitors, so as to inspire and enhance confidence and promote a greater sense of security within the population.

38. On the basis of its current authorized personnel strength of 60, the civilian police component has been able to deploy and operate only in Kigali, instead of being able, as originally intended, to function in various parts of Rwanda. It has become evident that an additional 45 civilian police monitors would be required for deployment along a formula of 5 monitors per province, to monitor the 9 territorial companies of the gendarmerie who are responsible for the country's 9 provinces. The primary tasks of these additional police monitors would cover the monitoring of the activities of the gendarmerie and commune police. They would also participate in patrols and, as appropriate, investigate and report on related incidents. Since the cost implications of this proposed personnel increase will be minimal, it is my intention to reflect them in my next submission to the General Assembly.

V. HUMANITARIAN ASSISTANCE

39. Since my last report, the humanitarian situation in Rwanda has become even more worrying as new challenges have compounded existing difficulties and deepened the crisis. Effects of the massive population displacements as a result of the conflict, the continuing drought in parts of the country, as well as the shortage of seeds for planting, have increased the threat of famine to hundreds of thousands of Rwandese. The Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) Crop and Food Supply Assessment Mission that was undertaken in February 1994 confirmed a critical food supply situation in all parts of Rwanda. Declining national revenues, owing to the worsening overall economic situation, are hindering efforts to improve seriously deteriorated public services in health, sanitation and social relief and rehabilitation, thus increasing the risks of vulnerability and need among the population. The special requirements of children and women are of particular concern.

40. Owing in large measure to the assistance provided over the years by United Nations and other international humanitarian relief agencies (non-governmental as well as intergovernmental), mortality and malnutrition rates, which are still unacceptably high, have dropped in refugee and displaced-person camps since December 1993. However, other problems persist, including in particular inadequate housing and rampant epidemic diseases due to shortages of medicines and, above all, cramped and unsanitary living conditions in the settlements. Another source of concern is refugees (270,000, primarily from Burundi) and internally displaced persons (370,000) who continue to need humanitarian assistance.

41. Other new challenges involve tensions associated with the consequences and impact of the growing numbers of spontaneous returnees, many of whom left Rwanda years ago. Some, upon returning to the country, have settled on land vacated temporarily by citizens internally displaced as a result of the recent conflict, while others have begun to make claims on land and other property reportedly left behind when they fled the country. These developments have caused or exacerbated tensions in various communities and humanitarian relief agencies are increasingly concerned that, if left unresolved, they could have a damaging effect on the smooth and safe operation of humanitarian relief activities, including in particular repatriation and rehabilitation programmes.

42. Close inter-agency cooperation and collaboration in the field of humanitarian assistance in Rwanda is facilitating operations to reach those in need. The United Nations Resident Coordinator has also been designated as the Humanitarian Coordinator and is assisted by an Inter-Agency support unit. A disaster management team composed of representatives of concerned United Nations system organizations has been established. Arrangements are under way to put in place an integrated regional early warning and resource mobilization information system.

43. UNAMIR, which assists in the coordination of humanitarian assistance activities in Rwanda, has stepped up security support for these activities, including providing escorts for convoys and protection for depots and distribution centres. My Special Representative has begun visiting refugee and displaced-person settlements, thus contributing to focusing greater national and international attention on the needs and problems involved. I wish to seize this opportunity to express deep appreciation to those members of the international community who have responded to the humanitarian assistance appeal for Rwanda launched last year and to call once again for continuing, and increased, assistance to meet the growing needs. I would also like to commend the dedicated staff and volunteers who continue to participate in relief operations, often in very difficult conditions, and sometimes at great personal risk.

VI. ADMINISTRATIVE AND FINANCIAL ASPECTS

44. The General Assembly, by its decision 48/479 of 23 December 1993, authorized the Secretary-General to enter into commitments up to the amount of US$ 51,120,000 gross (US$ 50,478,000 net) for the maintenance of UNAMIR for the period from 5 October 1993 to 4 April 1994. The cost of maintaining UNAMIR for the period ending 4 April 1994 will therefore be limited to the amount authorized by the General Assembly. In my report to the General Assembly on the financing of UNAMIR, 1/ it is estimated that the cost of maintaining the Mission beyond 4 April 1994 would be approximately $9.1 million gross ($8.9 million net) per month, should the Security Council decide to extend the mandate beyond that date. An amount of $50.7 million was apportioned among Member States on 21 January 1994 for the cost of UNAMIR. As of 18 March 1994, some $17.7 million had been received.

VII. OBSERVATIONS

45. UNAMIR has continued to support the efforts of the people of Rwanda to implement the Arusha peace agreement. Through their respect of the cease-fire, the parties have demonstrated that they remain committed to the peace process set out in the agreement. This is, without doubt, a positive development. However, despite the cease-fire, commensurate progress has not been made in the political process.

46. The United Nations was invited to assist in the implementation of the Arusha peace agreement by its two signatories. As the implementation process commenced, there was a general expectation that the new institutions would be

installed by 5 January 1994 to guide Rwanda through a two-year transitional period. Thus far, only one of those institutions, the Presidency, which was officially installed on the target date of 5 January, has been put in place. Failure to establish the broad-based transitional Government and the Transitional National Assembly has continued to impede the implementation of the other provisions of the agreement.

47. As I have stated, continued support for UNAMIR would depend upon the full and prompt implementation of the Arusha peace agreement by the parties. The United Nations presence can be justified only if the parties show the necessary political will to abide by their commitments and to implement the agreement. To this end, I urge the parties to make a renewed and determined effort to reach agreement on the establishment of the broad-based transitional Government and the Transitional National Assembly. It is obvious that the establishment of the transitional institutions constitutes an important prerequisite for the revitalization of the peace process and for the promotion of a climate of mutual confidence and cooperation. I therefore urge the parties to set aside their differences and agree to put these institutions in place without further delay or procrastination.

48. Progress made thus far in the negotiations suggests that a compromise could be reached on the transitional institutions. I am encouraged by the fact that, in spite of increasing tensions, the parties have maintained the process of dialogue. The United Nations should continue to support the dialogue and the current initiatives to resolve the remaining differences in order to complete phase I of my implementation plan and to facilitate phase II operations which include the disengagement, demobilization and integration of the armed forces of the parties and gendarmerie.

49. I would therefore recommend that the Security Council decide to extend the mandate of UNAMIR for a period of six months, during which I shall keep the Council fully informed of the pace of progress in the implementation of the Arusha peace agreement. However, in the event that the transitional institutions are not installed within the next two months and if, by that time, sufficient progress in the implementation of the next phase of the Agreement has not also been achieved, the Council should then review the situation, including the role of the United Nations.

Notes

1/ A/48/837 and Corr.1.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/361
30 March 1994

ORIGINAL: ENGLISH

LETTER DATED 28 MARCH 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am reporting separately to the Security Council on the activities of the United Nations Observer Mission in El Salvador (ONUSAL) in relation to the elections held on 20 March 1994. The purpose of this letter is to raise with the members of the Council continuing concerns regarding the implementation of certain aspects of the original Peace Accords signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), following negotiations held under United Nations auspices. These concerns relate to public security, including the deployment of new National Civil Police (PNC) and the phasing out of the old National Police (PN); the reintegration into society, through transfers of land and other programmes, of estranged groups including former combatants; and the constitutional reforms recommended by the Commission on the Truth.

All of these issues were discussed in the report which I submitted to the Council on 23 November 1993 (S/26790). At that time I had expressed my considerable concern that some very important elements in the Accords remained only partially implemented, when they should have been completed or well on the way to completion before the elections. My preoccupation today stems from the fact that, four months after that report, little progress has been achieved in the above-mentioned areas.

Establishing the civilian character of the police function was a fundamental tenet and objective of the entire peace agreement, coupled with the new role attributed to the Armed Forces and their reduction in size. However, there continue to be disquieting signs of reluctance to comply with these objectives. There have been developments which, if they remain uncorrected, would produce a result inconsistent with the Peace Accords. The PNC is still denied resources, there is as yet no clear accounting of the transfer to the PNC of military personnel, and there seems to be a desire to de-link the deployment of the PNC from the phasing out of the PN. ONUSAL continues to be hindered from properly carrying out its verification responsibilities in this regard. In addition, there remains concern about activities by the military intelligence bodies which are contrary to the Peace Accords.

The incorporation of members of the FMLN into the new National Academy for Public Security (ANSP), together with former members of the Armed Forces and

fresh recruits who had participated in neither structure, provides the basis for a well integrated force which, if distortions are corrected, can provide a strictly civilian public security body which can yet serve as an inspiring model. It is important that the issues relating to public security be sorted out urgently as part of the effort to ensure a framework for the respect of human rights, one of the principal goals of the peace negotiations.

The reintegration of the members of the FMLN, within a framework of full legality, into the civil, institutional and political life of the country was the ultimate objective of the peace process as set forth in the Geneva Agreement of 4 April 1990. Progress in reintegration of the FMLN into the political life of El Salvador is astonishing, as witnessed by the significant number of seats which they recently gained in the Legislative Assembly. Notwithstanding positive developments, much remains to be done in other, critical areas of reintegration. The main one is the transfer of land, through which most former combatants and supporters of the FMLN are to be reintegrated. The compromise reached when the parties accepted my proposal of 13 October 1992 raised the hope that this difficult and complex question could be put back on the way to resolution, thus easing the predicament of up to 47,500 potential beneficiaries. Efforts were set in train, despite serious obstacles, to mobilize international assistance.

In November 1993, when Under-Secretary-General Marrack Goulding visited San Salvador leading a special mission, transferring had come to a virtual standstill, and it was agreed to set a goal of transferring of land to 12,000 beneficiaries by the end of the year. Three months later, in mid-March, transfers had not yet reached 11,000, and thus remained delayed and short of that goal. It is not merely a problem of numerical objectives: at this pace, the bulk of potential beneficiaries will once again miss the planting season in May as a result of lack of access to credit. Similarly, other reintegration programmes are moving extremely slowly, and the terms of some of the programmes including those relating to lack of satisfactory credit facilities, raise concern as to their viability.

A particularly urgent matter, which I recently mentioned to the members of the Council, is that of recommendations of the Commission on the Truth requiring constitutional amendments, particularly with regard to the decentralization of powers and competence of the Supreme Court. Members of the Council will recall that the recommendations of the Commission on the Truth were accepted as binding in the Peace Accords. The urgency is due to the fact that in El Salvador constitutional amendments must be approved by a simple majority in one legislature and ratified by the following legislature by a two-thirds majority. Thus, unless the amendments are approved by 30 April 1994, date of expiry of the current legislature, they cannot enter into force before 1997. Urgent action to implement these amendments is needed in order to ensure that the long-delayed reform of the judiciary takes place.

In recent correspondence, through my Special Representative, and through my Senior Political Adviser who travelled to San Salvador last week, I have taken up these matters with President Cristiani, under whose leadership I am convinced that the remaining problems can be put on the way to a solution. I believe it is essential to have an updated agreement between the parties on a timetable for

the implementation of pending matters so that the process should suffer no further delays during the transition to the new Government. I hope that the Council can support my efforts in these areas on which action to put the process back on track is urgently required.

(Signed) Boutros BOUTROS-GHALI